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13
14 **UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 v.

18 YARO ORTIZ,

19 Defendant.

20 Case No. 2:20-mj-00859-EJY

21 **Stipulation to Continue the Preliminary
Examination Date and Exclude Time Under
the Speedy Trial Act
(Fifth Request)**

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23 IT IS HEREBY STIPULATED AND AGREED by and between, Nicholas A.
24 Trutanich, United States Attorney, District of Nevada, Christopher Lin, Assistant United States
Attorney, representing the United States of America, and David Chesnoff, Esq. and Richard
Schonfeld, Esq., representing Defendant Yaro Ortiz, that the Preliminary Examination date in
the above captioned case, which is currently scheduled for February 19, 2021 at 4:00 P.M., be
continued to a date and time convenient for the Court but not less than 30 days from the current
setting. The parties also stipulate to an extension of (1) the 30-day period under 18 U.S.C. §
3161(b) in which an indictment or information must be returned, and (2) the 90-day period
under 18 U.S.C. § 3164(b) for commencing trial for a detained defendant.

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26 1. Based on the public health emergency brought about by the COVID-2019 pandemic, the
27 required social-distancing measures as recognized in the Temporary General Orders, and

1 the need for additional time to prepare the defense, both during the public health
2 emergency and once the public health emergency is resolved, the parties agree to
3 continue the currently scheduled Preliminary Examination on January 20, 2021, to a
4 date and time convenient for the Court, but not less than 30 days from the current
5 settings.

6 2. This continuance is not sought for purposes of delay, but to account for the necessary
7 social-distancing in light of the COVID-2019 public health emergency, and to allow the
8 defense adequate time to prepare during the public health emergency and following its
9 resolution.

10 3. Denial of this request could result in a miscarriage of justice, and the ends of justice
11 served by granting this request outweigh the best interests of the public and the defendant
12 in a speedy trial.

13 4. The defendant is at liberty and does not object to the continuance.

14 5. This is the parties' fifth request to continue the Preliminary Examination date.

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1 6. The additional time requested by this stipulation is excludable in computing the time
2 within which the trial must commence pursuant to the Speedy Trial Act, Title 18, United
3 States Code, Sections 3161(h)(7)(A), and considering the factors under Title 18, United
4 States Code, Section 3161(h)(7)(B)(i) and (iv).

5 DATED this 17th day of February, 2021.

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7 NICHOLAS A. TRUTANICH
8 United States Attorney

9 /s/ Christopher Lin
10 CHRSTIOPHER LIN
11 Assistant United States Attorney

12 /s/ Richard Schonfeld
13 RICHARD SCHONFELD, ESQ.
14 DAVID CHESNOFF, ESQ.
15 Counsel for Defendant

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Based on the pending Stipulation between the defense and the government, and good cause appearing therefore, the Court hereby finds that:

10 1. To account for the necessary social-distancing in light of the COVID-2019 public health
11 emergency and to allow the defense adequate time to prepare during and following the
12 resolution of this public health emergency, the Preliminary Examination date in this case
13 should be continued.

14 2. The parties agree to this continuance.

15 3. The defendant is at liberty and does not object to the continuance.

16 4. This continuance is not sought for purposes of delay.

17 5. Denial of this request could result in a miscarriage of justice, and the ends of justice served
18 by granting this request outweigh the best interest of the public and the defendants in a
19 speedy trial.

20 6. The Speedy Trial Act's indictment clock under 18 U.S.C. § 3161(b) is extended to the
21 Preliminary Hearing date set below.

22 7. The additional time requested by this stipulation is excludable in computing the time
23 within which the trial must commence pursuant to the Speedy Trial Act, Title 18, United

1 States Code, Sections 3161(h)(7)(A), and considering the factors under Title 18, United
2 States Code, Section 3161(h)(7)(B)(i) and (iv).

3 THEREFORE, IT IS HEREBY ORDERED that the Preliminary Examination in the
4 above-captioned matter currently scheduled for February 19, 2021 be vacated and continued to
5 March 22, 2021, at the hour of 4:00 P.M. in Courtroom 3D.

6 DATED this 17th day of February, 2021.
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9 HONORABLE ELAYNA J. YOUCRAH
10 United States Magistrate Judge

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